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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,852

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Ken Kamijo

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EXAMINER

VALENTI, ANDREA M

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,852	<b>Applicant(s)</b> KAMIJO, KEN	
	<b>Examiner</b> ANDREA M. VALENTI	<b>Art Unit</b> 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 6-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group I, claims 1-5 in the reply filed on 19 May 2008 is acknowledged.

### ***Claim Objections***

Claim 3 is objected to because of the following informalities:

Claim 3, line 2, "restrict belt" should be --restraint belt--

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,941,195 to Martz.

Regarding Claim 1, Martz teaches a pet storage box fixing structure configured to fix the pet storage box in which a pet is stored, to a vehicle body in a vehicle interior, wherein the pet storage box is placed on a seat, and a seat belt of a seat belt device is directly connected to an outer peripheral surface side of the pet storage box so that the connected seat belt is in a belt attached state (Martz Fig. 1B and Fig. 1 #86).

Regarding Claim 2, Martz teaches wherein the pet storage box has a reinforcing belt (Martz Fig. 1 #32) mounted to cover the outer peripheral surface of the storage box

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body, a belt insert hole (Martz Fig. 1 #86) is provided by using the reinforcing belt, and the seat belt is passed through the belt insert hole so that the seat belt is directly connected to the pet storage box (Martz Fig. 1 B).

Regarding Claim 5, Martz teaches wherein the seat belt of the seat belt device has a shoulder belt portion with one end supported on a vehicle body side and the other free end on which a tongue member is fixed, a lap belt portion with one end supported on the vehicle body side and the other end connected to the shoulder belt portion, and an anchor belt portion with one end supported on the vehicle body side and the other free end on which a buckle is fixed, and the tongue member is attached to the buckle in a manner that both of the shoulder belt portion and the lap belt portion are passed through-the belt insert hole (Martz Fig. 1B #120).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,941,195 to Martz in view of Japanese Patent JP 2003-250373 to Akihiko.

Regarding Claim 3, Martz teaches wherein the reinforcing belt has a restrict belt part mounted to cover the outer peripheral surface of the storage box body (Martz #32 portion attached to #22; applicant does not claim it covers the entire peripheral surface) and a looped stable belt part with both ends fixed to the restrain belt part (Martz Fig. 1

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#32 the free handle portion above top wall portion #14), but is silent on the stable belt part is hooked to a column of a head rest. However, Akihiko teaches a pet storage box with a stable belt hooked to the column of a head rest (Akihiko Fig.5 #8a and 3a). It would have been obvious to one of ordinary skill in the art to modify the teachings of Martz with the teachings of Akihiko at the time of the invention for safety and to prevent displacement of the box as taught by Akihiko. The modification is merely the use of a known technique to improve a similar device in the same way and combining prior art elements according to known methods to yield predictable results.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,941,195 to Martz in view of Japanese Patent JP 2003-250373 to Akihiko as applied to claims 1 and 3 above, and further in view of PCT WO 89/08386 to Bussmann.

Regarding Claim 4, Martz as modified teaches wherein the stable belt part comprises two parts (Martz Fig. 1 #32 free portion above top wall #14 there are two of them), and as modified by Akihiko teaches one stable belt part hooked to the column located on the seat where the pet storage box is placed (Akihiko Fig.5 #10c), but is silent on the other stable belt part hooked to the column located in front of the seat where the pet storage box is placed. However, Bussmann teaches a pet vehicle box that places stable belt parts over the seat in front and the seat it is resting on (Bussmann Fig.4 and 5). It would have been obvious to one of ordinary skill in the art to further modify the teachings of Martz with the teachings of Bussmann at the time of the

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invention for safety and to prevent displacement of the box as taught by Bussmann.

The modification is merely the use of a known technique to improve a similar device in the same way and combining prior art elements according to known methods to yield predictable results.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Pub. No. US 2002/0078901; U.S. Patent No. 4,943,105; U.S. Patent No. Des. 398,083; U.S. Patent No. D549,400; U.S. Patent No. Des. 424,248; U.S. Patent No. 7,210,426; U.S. Patent No. 6,286,461.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREA M. VALENTI whose telephone number is (571)272-6895. The examiner can normally be reached on 6:00am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrea M. Valenti/  
Primary Examiner, Art Unit 3643

25 June 2008